

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CITY OF BANGOR, MAINE,)	
)	
Plaintiff and)	
Counterclaim Defendant,)	
)	
v.)	Civil Action,
)	Docket No. 02-183-B-S
)	
CITIZENS COMMUNICATIONS)	
COMPANY,)	
)	
Defendant and)	
Counterclaim Plaintiff)	

PLAINTIFF'S WITNESS LIST

1. Ed Barrett, City Manager
City of Bangor
73 Harlow Street
Bangor, ME 04401
(207) 945-4400

Occurrence Witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Penobscot River investigation, riverfront
redevelopment plans, and corroboration between the City of Bangor and
Maine D.E.P.

2. Eugene L. McLinn, Senior Project Hydrogeologist
RMT, Inc.
P.O. Box 8923
Madison, VT 53708-8923
(608) 662-5196

Expert Witness

Estimated time for direct examination: 3 days

Anticipated subject matter: Penobscot River investigation.

3. Neal S. Shifrin, Ph.D.
Gradient Corporation
20 University Road

Cambridge, MA 02138
(617) 395-5000

Expert Witness

Estimated time for direct examination: 2 days

Anticipated subject matter: History of Bangor Gas Plant.

4. David J. Dunning, Senior Environmental Scientist
S.W. Cole Engineering, Inc.
37 Liberty Drive
Bangor, Maine 04401
(207) 848-5714

Expert Witness

Estimated time for direct examination: ½ day

Anticipated subject matter: Penobscot River investigation.

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Observation of river sheens and other tar-produced phenomena during recreational activities on the Penobscot River.

5. David M. Mauro, President and Senior Chemist
META Environmental, Inc.
49 Clarendon Street
Watertown, MA 02472
(617) 923-4662

Expert witness

Estimated time for direct examination: 1 day

Anticipated subject matter: Chemical analysis of samples taken during the Penobscot River investigation.

6. James D. Ring, P.E., Director of Infrastructure and Development Support
City of Bangor
73 Harlow Street
Bangor, Maine 04401
(207) 945-4400

Expert witness

Estimated time for direct examination: ½ day

Anticipated subject matter: history and functioning of Bangor sewer system.

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Observation of river sheens and other tar-produced phenomena during recreational activities on the Penobscot River.

7. Richard A. Day, Licensed Land Surveyor
Plisga & Day
72 Main Street
Bangor, ME 04401
(207) 947-0019

Expert witness

Estimated time for direct examination: ½ day

Anticipated subject matter: Property ownership and location of historic shore frontage along Penobscot River.

8. Rodney G. McKay, Director
Community and Economic Development
City of Bangor
73 Harlow Street
Bangor, ME 04401
(207) 945-4400

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: City of Bangor redevelopment plans on Riverfront.

9. Kathy Niziolek
Maine Department of Environmental Protection
Bureau of Remediation and Waste Management
17 State House Station
Augusta, ME 04333
(207) 287-7688

Occurrence witness

Estimated time for direct examination: ½ day

Anticipated subject matter: Relative cooperation between City of Bangor and Maine DEP vs. Citizens Communication Company.

10. Mark Hyland
Maine Department of Environmental Protection
Site Investigation and Remediation
Bureau of Remediation and Waste Management
17 State House Station
Augusta, ME 04333
(207) 287-7688

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Relative cooperation between City of Bangor and
Maine DEP vs. Citizens Communication Company.

11. Hank Aho, Unit Supervisor

Maine Department of Environmental Protection
State Uncontrolled Hazardous Substance Sites Unit
17 State House Station
Augusta, ME 04333
(207) 287-7688

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Relative cooperation between City of Bangor and
Maine DEP vs. Citizens Communication Company.

12. Troy Smith, Geologist

Maine Department of Environmental Protection
State Uncontrolled Hazardous Substance Sites Unit
17 State House Station
Augusta, ME 04333
(207) 287-7688

Occurrence witness

Estimated time for direct examination: 3 hours

Anticipated subject matter: Relative cooperation between City of Bangor and
Maine DEP vs. Citizens Communication Company, and prior riverfront
investigations by Maine DEP.

13. Meredith Westover, Environmental Scientist

RMT, Inc.
P.O. Box 8923
Madison, WI 53708-8923
(608) 662-5196

Expert witness

Estimated time for direct examination: ½ day

Anticipated subject matter: Field investigation of Penobscot River and adjacent
area including Old Stone Sewer.

14. Jeffrey W. McElroy, Geologist

S.W. Cole Engineering, Inc.
37 Liberty Drive
Bangor, Maine 04401
(207) 848-5714

Occurrence Witness

Estimated time for direct examination: 2 hours

Anticipated subject matter: Observations made in Penobscot River area in connection with S.W. Cole Engineering's investigation.

15. John "Jack" Kreuger, Laboratory Director
Health & Environmental Testing Laboratory
Maine Department of Health & Human Services
21 State Street
Augusta, ME 04333
(207) 287-2727

Occurrence witness

Estimated time for direct examination: ½ day

Anticipated subject matter: Prior Penobscot River investigation by Maine DEP.

16. Brian Beneski, Field Support
Maine Department of Environmental Protection
Site Assessment & Support Services Unit
17 State House Station
Augusta, ME 04333
(207) 287-7688

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Prior Penobscot River investigation by Maine DEP.

17. Nicholas Hodgkins, Unit Supervisor
Maine Department of Environmental Protection
Bureau of Remediation and Waste Management
17 State House Station
Augusta, ME 04333
(207) 287-7688

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Prior Penobscot River investigation by Maine DEP.

18. John Cashwell, Councilor
Bangor City Council
City of Bangor
73 Harlow Street
Bangor, ME 04401
(207) 945-4400

Occurrence witness

Estimated time for direct examination: 2 hours

Anticipated subject matter: City redevelopment plans along riverfront and cooperation between City of Bangor and Maine DEP.

19. Keeper of Records

City of Bangor
73 Harlow Street
Bangor, ME 04401
(207) 945-4400

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Authentication of city records.

20. Keeper of Records

Beazer East, Inc.
n/k/a Hanson, PLC
1 Grosvenor Place
London, UK SW1X7JH
(020) 7245 1245

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Identification and authentication of records of Kopper's Company, Inc.

21. Keeper of Records

Environmental Data Resources, Inc.
440 Wheelers Farms Road
Milford, CT 06460
(800) 352-0050

Occurrence witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Identification of historic maps of the Sanborn Map Company, Inc. and Sanborn Library.

22. L. Russell Mitten, II, Esq.

Vice President and General Counsel
Citizens Communication Company
3 High Ridge Park
Stamford, CT 06905-1390
(203) 614-5600

Occurrence witness

Estimated time for direct examination: ½ day

Anticipated subject matter: Financial condition of company and confirmation of Citizens' receipt of communications from City of Bangor re riverfront.

23. Keeper of Records
Bangor Daily News
491 Main Street
Bangor, ME 04401
(207) 990-8000

Occurrence witness

Estimated time for direct examination: ½ day

Anticipated subject matter: Identify and authenticate news articles relating to riverfront, MPG, and related areas

24. Keeper of Records
American Gas Association
400 N. Capital St. NW, 4th Floor
Washington, DC 00001
(202) 824-7000

Occurrence witness

Estimated time for direct examination: 1 hr.

Anticipated subject matter: Identify and authenticate trade industry articles.

25. Daniel Wellington, Code Enforcement Officer
City of Bangor
73 Harlow Street
Bangor, ME 04401
(207) 945-4400

Occurrence witness

Estimated time for direct examination: 1 hr.

Anticipated subject matter: Direct observations of tar contamination while growing up in vicinity of MGP.

26. Michael Perry, Sewer Maintenance Supervisor
City of Bangor
73 Harlow Street
Bangor, ME 04401
(207) 945-4400

Occurrence witness

Estimated time for direct examination: 2 hrs.

Anticipated subject matter: Layout, design, and functioning of city sewer system.

27. John T. Frawley
Former City Engineer and
Former Director of Public Works
For City of Bangor
Main Road
Hampden, ME 04444

Occurrence witness

Estimated time for direct examination: 3 hrs.

Anticipated subject matter: City sewer system layout and alterations to system over time.

28. Allen Uhler
Battelle
505 King Avenue
Columbus, OH 43201
(800) 201-2011

Expert witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Analytical standards and interpretation of tar samples.

Rebuttal witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: testimony re "background"

29. Keeper of the Records
New England Gas Association
75 2nd Avenue, Suite 510
Needham, MA 02494-2824
(781) 455-6800

Occurrence witness

Estimated time for direct examination: 1 hr.

Anticipated subject matter: Identify and authenticate records of membership and/or attendance of Bangor Gas Light Company and/or Bangor Gas Company in the Association and/or at annual meetings of the Association.

30.

30. Tom Asbeck
Photoscience, Inc.
2670 Wilhite Drive
Lexington, KY 40503
(800) 774-3686

Rebuttal witness

Estimated time for direct examination: 1 hour

Anticipated subject matter: Rebuttal testimony concerning interpretation of aerial photographs.

Dated at Bangor, Maine, this 29th day of August, 2005.

CITY OF BANGOR, MAINE

By /s/ William B. Devoe
William B. Devoe, Esq.

EATON PEABODY
Bank of America Building
80 Exchange Street
P.O. Box 1210
Bangor, Maine 04402-1210
207-947-0111

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, William B. Devoe, Esq., on behalf of the plaintiff, City of Bangor, Maine, do hereby certify that a copy of the foregoing City of Bangor's Response to Motion *In Limine* to Exclude to Exclude any Expert Testimony by Representatives of the Maine Department of Environmental Protection was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the attorney/parties of record who have registered as CM/ECF participants, and that on the date shown above, copies of the aforesaid documents were served by electronic mail upon all Service Attorneys listed in the attached Service List in accordance with the Second Amended Scheduling Order dated August 14, 2003.

/s/ William B. Devoe
William B. Devoe